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AUTHOR Stile, Stephen W.; Wirth. Paul A.
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ABSTRACT

Preliminary data from a survey of 51 small, rural public school districts in New Mexico generally indicate that the quality of educational programming for students with severe handicaps is currently satisfactory and would improve with the additional federal funding under P.L. 94-142 (New Mexico was slated to receive funding effective January 1985). Respondents perceived the quantity and quality of classroom materials and inservice training to be less than satisfactory at present and projected that these two areas would improve under P.L. 94-142. (Author/CL)

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Public Law 94-142 and New Mexico: Historical Context and Perceived Impact on SH Programming in Rural Districts

Stephen W. Stile, Ph.D
Associate Professor of Special Education
New Mexico State University
Las Cruces, New Mexico

Paul A. Wirth, Ph.D.
Director of Educational Services
Los Lunas Hospital and Training School
Los Lunas, New Mexico

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Abstract

The Education for All Handicapped Children Act (P.L. 94-142) was signed into law by President Ford in 1975. Until the current school year, however, New Mexico has remained as the only state not to apply for federal funding under this law. Pursuant to approval of the state plan on September 18, 1984, New Mexico will be receiving P.L. 94-142 funding effective January 1985. Preliminary data from a survey of 51 small, rural public school districts generally indicate that the quality of educational programming for students with severe handicaps is currently satisfactory and would improve with the additional federal funding under P.L. 94-142. Respondents perceived the quantity and quality of classroom materials and inservice training to be less than satisfactory at present and projected that these two areas would improve under P.L. 94-142.

Public Law 94-142 and New Mexico: Historical Context and Perceived Impact on SH Programming in Rural Districts

The Education For All Handicapped Children Act of 1975 (P.L. 94-142) has been viewed as a boon to programs addressing the needs of students with severe handicaps for a variety of reasons (Van Etten, Arkell, & Van Etten, 1980; Goodman, 1978; Snell, 1983; Schipper, Wilson & Wolf, 1977). As Van Etten, Arkell and Van Etten (1980) put it:

> On September 1, 1978, it became a violation of federal law to deny a free and appropriate public education to any handicapped child. This assurance of a public education was mandated by the passage of Public Law 94-142.... The specific inclusion of [students with severe handicaps] is clearly defined in section 121a.320 of the rules and regulations for Public Law 94-142...as follows..."first priority children" means handicapped children who are not receiving any education, [and] "second priority children"...means [those] with the most severe handicaps.... (p. 132)

In addition to the "zero reject" concept, other identified advantages have included the following:

1. additional funding (e.g. for rural, remote programs and inservice training efforts)
2. development of IEPs
3. measurement of behavioral progress

4. provision of procedural safeguards
5. guarantee of least restrictive placements
6. non-discriminatory assessment
7. parent participation
8. ancillary service availability

Until 1984, however, New Mexico remained as the only state not yet implementing the law. Although it may be impossible to measure the impact of non-implementation on past programming, it is possible to measure current and future perceptions and, on a more long-range basis, to measure the impact of the law after it takes effect. The purpose of the present paper is two-fold as follows: (a) to provide an historical context, and (b) to present preliminary findings regarding the perceived impact of the law among rural administrators and direct service providers.

Historical Context

For the past seven years, New Mexico has been the only state to not apply for funds allocated under P.L. 94-142. Financially, this has meant that since 1975, the state has passed up more than $20 million dollars ("State may apply," 1983). Not surprisingly, P.L. 94-142 has long been among the most hotly debated educational issues in the "Land of Enchantment." Table 1 summarizes the arguments which have been put forth by proponents and opponents of this legislation over the years.

Insert Table 1 about here

Chronology. Federal Funding under P.L. 94-142 became available to the states in October, 1977. However, the State Board of Education voted not to apply for these funds in November of the same year (Bratton, 1982; personal communication, October 28, 1984). Important subsequent events were as follows:

1. Resolution introduced to remain in position to accept P.L. 94-142 funds failed 6-4 vote of State Board of Education (1978).
2. State Board of Education defeated measure to apply for P.L. 94-142 funding in 1979 by a 5-5 deadlock.
3. NMARC vs. New Mexico decided in favor of plaintiffs in 10th District Court of Appeals (Winter, 1982).
4. Senate Memorial 11 introduced by state senators Charlie Marquez (R - Torrance - Santa Fe) and Ronald Olquin (D - Bernalillo) in 1983. "The memorial urged the State Board of Education to take immediate action to secure P.L. 94-142 funds for the purpose of providing improved educational opportunities for the special children of New Mexico (Las Cruces Suns News, October 4, 1983)."
5. State Department of Education commissioned study to compare P.L. 94-142 requirements with the state's existing education regulations (April 1983).
6. State Board of Education voted 8-1 to apply for P.L. 94-142 funding (August 16, 1984).

7. State Board of Education voted 6-2 to approve state plan to be submitted to USDE (August 16, 1984).

8. State plan approved by USOE (September 18, 1984).

As a result of the approval of the state plan by the U.S. Office of Education, New Mexico became eligible for more than $6 million for the school year recently completed as well as $6.4 million for the present school year (Education of the Handicapped, August 22, 1984, p. 1). It is thought that 75% of the flow-through funds will reach the local school districts that chose to participate by January, 1985.

Methodology

A survey instrument was developed employing the following steps: (a) construction of the questionnaire by the researchers, (b) review and revision of instrument by an editor and an expert in the field of survey research, and (c) field testing with a class of special education graduate students and an administrator and special education teacher from two medium-sized school districts (ADM of approximately 1500).

Two stamped self-addressed postcard questionnaires were mailed along with a cover letter (See Appendix C) to superintendents of schools in early September, 1984. Of the 83 school districts, only the 51 (58%) with an ADM of less than 1000 were selected to participate. Since each district is located in counties with 60% or more of the population living in communities of no larger than 5,000 inhabitants or the number of inhabitants is less than 150 per square

mile, they can be considered small, rural public school districts (Helge, 1979).

The superintendents were asked to obtain the cooperation of the administrator in charge of SH programs and, in addition, one classroom teacher who provided direct services to this population. By October 19th, 1984, 45 completed postcard questionnaires had been received which represents 44% of the target population of respondents. Appendix D contains the cover letter for the follow-up survey which is now under way.

Results

Preliminary results of the survey are summarized in Table 2.

Insert Table 2 about here

Of the respondents, 21 were teachers and 24 were administrators. While administrators and teachers perceived the current status of classroom supplies and materials and inservice training to be less than satisfactory, all other areas were rated as satisfactory or better. Relative to future status (September 1985), all five areas were rated satisfactory or better by both groups of respondents. Thus, the greatest impact of P.L. 94-142 funding was perceived to be in the areas of classroom materials and supplies and inservice training. The areas of educational opportunity, program management and evaluation, and quantity and quality of instruction and related

services were projected to improve slightly with the onset of P.L. 94-142.

It is interesting to make comparisons of responses for the two groups. Administrators consistently perceived the quality of educational programming for students with severe handicaps to be lower than teachers and this perception remained constant across time (i.e., current and future status). Both groups perceived the quantity and quality of classroom materials and supplies and inservice training as less than satisfactory at present and both groups projected better than satisfactory provisions by September 1985.

Discussion

While the responses reported in this study can be considered to be representative of administrators and teachers serving students with severe handicaps in New Mexico's small, rural public school districts, the data should be treated as preliminary due to a 44% return rate and the current follow-up efforts.

Reviewing comments from the survey instrument, the researchers found that many respondents perceived that programming for students with severe handicaps is satisfactory under current state funding levels. Furthermore, it is projected that P.L. 94-142 will generate burdensome paperwork which, considered together with low P.L. 94-142 funding levels for small-rural districts, will result in only minimal impact.

It is critical to note that for the first year, all New Mexico Education of the Handicapped-Part B discretionary funds will be used to encourage and support the development of regional center cooperatives. All surveyed districts are scheduled to join one of the 10 regional center cooperatives to be established in January 1985. This statewide plan represents a striking change in delivery of services to handicapped New Mexican students. As a result, many questions and multifaceted issues have arisen.

Future research efforts are planned to measure the impact of P.L. 94-142 on New Mexico's programming for students with severe handicaps. Projected studies will involve responses from personnel in the balance of the state's 88 public school districts and additional areas of possible impact will be explored.

Table 1

Summary of Arguments For and Against P.L. 94-142 in New Mexico

FOR	AGAINST
P.L. 94-142 concepts and procedures represent "best practices."	Small rural school districts either (a) fail to qualify for funding relative to small ADMs, or (b) do not realize enough funding with respect to additional requirements.
New Mexico tax money going to other states' special education programs under the law.	Forcing small districts into Regional Center Cooperatives is the first step toward consolidating districts.
New Mexico is relatively close to being in compliance under 1982 state regulations and P.L. 94-113, therefore, why not accept the funds?	State endorsement standards and rural remoteness disallow additional staffing even though P.L. 94-142 funding is available for this purpose.
Federal funds can be used for the underserved handicapped Preschool population, staff development activities and for special projects.	Increased federal discretionary funds will increase the amount of state control over local districts.
Implementation will result in establishment of additional parental rights and procedural safeguards.	

FOR	AGAINST
	Prevailing attitude among superintendents that we should keep the federal government out of the local classroom (i.e., analogous to keeping the federal government off the highways in Wyoming).
	Congressional appropriations do not match authorizations.
	Additional paperwork is required relative to compliance monitoring.
	Beefed-up accounting procedures are required (e.g. can't supplant; no comingling allowed).

Table 2

Mean Ratings of the Perceived Impact of P.L. 94-142 Funding on Programs for Students with Severe Handicaps in New Mexico

Area	Current Status (Fall: 1984)			Future Status (Fall: 1985)		
	Teacher	Administrator	Total	Teacher	Administrator	Total
Classroom Materials and Supplies	2.74	2.96	2.85	3.55	3.38	3.47
Inservice Training for Relevant Staff	2.41	2.43	2.42	3.41	3.05	3.23
Educational Opportunity for SH Students	3.43	3.30	3.37	3.73	3.33	3.53
Program Management and Evaluation	3.43	3.26	3.35	3.82	3.29	3.56
Instruction and Related Services	3.40	3.17	3.28	3.82	3.24	3.53

NOTE: 1. Ratings ranged from 1 ("unsatisfactory") to 5 ("excellent"), with 3 being ("satisfactory").

2. Includes responses from 24 teachers and 25 administrators.

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APPENDIX A

Las Cruces Sun News Article

(October 4, 1983)

Millions in federal aid available

State may apply for handicapped funds

SANTA FE (AP) — A six-year-old policy that has caused the state to miss out on millions of dollars in federal funds for special education programs may come before the state Board of Education next month for review.

For the past six years, New Mexico has been the only state to not apply for funds allocated under Public Law 94-142, called the Education for All Handicapped Children Act, which was approved by Congress and signed by President Gerald Ford in 1975. It provides funds to states on a formula basis determined by the number of handicapped children in the state.

Louis Danielson of the U.S. Department of Education said that if New Mexico had applied for the money last year it could have received $5.5 million.

He said that since 1978, the state has passed up more than $20 million.

The 1975 law is aimed at assuring handicapped children equal educational opportunities. The money can be used for educational programs or special services, such as auditory training, lip readers, notetakers and occupational therapists. Five percent of the funds can be used for administrative costs.

In 1979, the last time New Mexico voted on whether to apply for the money, the measure was defeated by the state Board of Education by a 5-5 deadlock.

But state Education Superintendent Leonard DeLayo said the issue may be taken up again next month.

"My position is that my mind is open," said DeLayo, who in the past has opposed the program. "I await the reaction from the school people with regard to this possibility. It is time for the state to review its position, and that is what we are doing."

The Board of Education's repeated refusal to apply for the federal money prompted state Sens. Charles Marquez, R-Torrance-Santa Fe, and Ronald Olguin, D-Bernalillo, to introduce Senate Memorial 11, which was approved in the 1983 session.

It "urges the state Board of Education and the state Department of Public Education to take immediate action to secure Public Law 94-142 funds for the purpose of providing improved educational opportunites for the special children of New Mexico who are physically and mentally handicapped...."

Gov. Toney Anaya also has supported using the funds.

In April, the state Deppartment of Education commissioned a study to compare Public Law 94-142 requirements with the state's existing education regulations.

"We are very close in terms of what the kids in the classroom get," said department attorney Chuck Noland. "What the report doesn't do, and what seems to be necessary for the department to decide, is whether the requirements of 94-142 and the administrative costs make it worthwhile for New Mexico to participate."

DeLayo has predicted the vote will be close if the issue is considered in November.

He defended his past opposition to the federal funds, saying, "Six or seven years ago when I resisted 94-142, I said I would deliver by providing more funds for special education kids than we would deliver if we went for 94-142."

New Mexico spent $24.9 million on special education in 1978, said Elie Guiterrez, state special education coordinator. In 1980, the figure increased to $30.8 million, and by the 1981-82 school year, the state was spending $61.9 million on special education, according to state Department of Education records.

The 1982-83 budget was $73.2 million, and $75 million is scheduled to be spent this fiscal year, which ends June 30, 1984, said Guiterrez.

In comparison, two states similar to New Mexico in terms of population and number of children eligible for special education programs spend considerably less.

Idaho spent about $30 million for special education funds last year and has approximately the same budgeted for this year. It will get another $5 million in 94-142 money.

Public Law 94-142 and New Mexico

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APPENDIX B

Las Cruces Sun News Article

(September 18, 1984)

Tuesday, September 18, 1984

Las Cruces Sun-News

Local

Special education funds OK'd

SANTA FE (AP) — State education officials said today the U.S. Department of Education has approved New Mexico's plan to use nearly $13.3 million in federal special education funds.

The money, under Public Law 94-142, was authorized in a letter received by the state Department of Education today, said assistant state superintendent Alan Morgan.

Morgan chaired an advisory committee that drafted a special education plan for New Mexico, which was until this year the only one of the 50 states that did not participate in the program.

Morgan said the money is available for two school years, $6.4 million for the 1983-84 school year and nearly $6.9 million for the 1984-85 school year.

He called the federal education department's approval "good news" for the state and that the one-month approval period since the application was submitted means local districts can probably begin their new special education efforts by Jan. 1.

He said local districts have until Nov. 15 to submit their plans for using their share of the money.

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APPENDIX C

Cover-letter and Questionnaire

COLLEGE OF EDUCATION
THE EDUCATIONAL RESEARCH CENTER

OFFICE OF THE DIRECTOR
Box 3R/Las Cruces, New Mexico 88003
Telephone (505) 646-1706

Dear

Enclosed please find two postcard questionnaires concerning the impact of Public Law 94-142 on programs for the severely handicapped in New Mexico. Please distribute one questionnaire each to the administrator in charge of Special Education and the special education teacher who serves the greatest number of "D" Level or severely handicapped students in your district. Hopefully, they will be able to complete and return the self-addressed, stamped postcard by September 25, 1984.

Since approximately 13 million dollars will be made available for Special Education Services during this first year, we are attempting to ascertain information on the perceived impact of increased funding on services to severely handicapped students in small and/or rural school districts (ADM = 1,000 or less). All information will be kept in strict confidence and individual districts will not be identifiable by their response in our final report.

I thank you in advance for your assistance.

Sincerely,

Tim Pettibone, Ph.D.
Director, Educational Research Center

TP/srd

☐ Teacher

☐ Administrator

Please rate the following 10 items on a five-point scale according to your perception of the adequacy of educational programming for the severely handicapped in your school district:

CURRENT STATUS (SEPTEMBER 1984)

	Unsatisfactory		Satisfactory		Excellent
1. Quality and quantity of classroom materials and supplies	1	2	3	4	5
2. Quality and quantity of inservice training for relevant staff	1	2	3	4	5
3. Equality of educational opportunity for SH students	1	2	3	4	5
4. Program management and evaluation	1	2	3	4	5
5. Quality and quantity of instruction and related services	1	2	3	4	5

FUTURE STATUS (SEPTEMBER 1985)

6. Quality and quantity of classroom materials and supplies	1	2	3	4	5
7. Quality and quantity of inservice training for relevant staff	1	2	3	4	5
8. Equality of educational opportunity for SH students	1	2	3	4	5
9. Program management and evaluation	1	2	3	4	5
10. Quality and quantity of instruction and related services	1	2	3	4	5

Comments _____

APPENDIX D

Follow-up Letter

COLLEGE OF EDUCATION
THE EDUCATIONAL RESEARCH CENTER

OFFICE OF THE DIRECTOR
Box 3R/Las Cruces, New Mexico 88003
Telephone (505) 646-1706

October 25 1984

Dear Superintendent:

Attached please find a copy of the cover letter that was sent to your office earlier this Fall together with two stamped postcard questionnaires. Since we have not yet received 100% of the response, we are asking for your assistance at this time. If the relevant administrator and teacher have not yet mailed their responses, we would appreciate your reminding them to do so. If the responses have already been mailed, please disregard this request.

We purposefully did not code the cards in any way to insure anonymity and, therefore, it is difficult—if not impossible—to tell which districts have responded and which ones have not. Since a 70% response rate is desirable from a research point-of-view, we need your follow-up assistance.

Our preliminary findings will be presented at the annual Association for Severely Handicapped Conference in Chicago on November 9th. Any additional data received prior to November 6th can be included in our final report which will be mailed to your office upon completion. As stated previously, all information will be kept in strict confidence and individual districts will not be identifiable by their response.

Please let us know whether you need replacement questionnaires.

Sincerely,

Timothy J. Pettibone

Timothy J. Pettibone, Ph.D.
Director

sjs

Encl.